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18 Ernesto Mourelo

11 **UNITED STATES DISTRICT COURT**  
12 **NORTHERN DISTRICT OF CALIFORNIA (SAN JOSE)**

13 HARRY J. WILLIBY,

14 Plaintiff,

15 vs.

16 HEARST CORPORATION, et al.,

17 Defendants.

) Case No. 15-cv-02538-EJD  
)

) **DECLARATION OF ERNESTO**  
) **MOURELO IN SUPPORT OF**  
) **DEFENDANTS' SPECIAL MOTION**  
) **TO STRIKE UNDER THE**  
) **CALIFORNIA ANTI-SLAPP STATUTE**  
) **AND MOTION TO DISMISS FOR**  
) **FAILURE TO STATE A CLAIM AND**  
) **FOR LACK OF PERSONAL**  
) **JURISDICTION**  
)

) Hearing Date: June 2, 2016

) Time: 9:00 a.m.

) Dep't: Courtroom 4, 5<sup>th</sup> Floor

) Judge: Hon. Edward J. Davila  
)

22 **Declaration of Ernesto Mourelo**

23  
24 1. I, Ernesto Mourelo, am employed as the Director of Digital Content for Hearst  
25 Television Inc. ("HTV"). I make this declaration of personal knowledge and if called as a  
26 witness I could and would testify competently to the facts stated herein.

27 2. Among other things, I am responsible for monitoring the use of news video from HTV  
28 stations by third-parties on YouTube and determining whether to request removal of such video

1 through notices pursuant to YouTube's system for accepting takedown notices pursuant to the  
2 Digital Millennium Copyright Act ("DMCA").

3 3. During September 2013, I became aware of a video on the Attorney Depot  
4 YouTube channel that was copied from WCVB-TV, which is available at  
5 <https://www.youtube.com/watch?v=DgK3wCMsHAU>. The video consisted of the entirety of  
6 WCVB-TV's news story. Believing that the use of the video infringed the copyright to the news  
7 story and did not constitute fair use of the story, I submitted a DMCA notice to YouTube.

8 4. During February 2014, I became aware of a video on the Attorney Depot YouTube  
9 channel that was copied from KHBS/KHOG-TV, which is available at  
10 <https://www.youtube.com/watch?v=9e5DkSyUoME>. The video consisted of the entirety of three  
11 KHBS/KHOG-TV news stories. Believing that the use of the video infringed the copyright to the  
12 news stories and did not constitute fair use of the story, I submitted a DMCA notice to YouTube.

13 5. During November 2014, I became aware of a video on the Attorney Depot  
14 YouTube channel that was copied from WBAL-TV, which is available at  
15 [https://www.youtube.com/watch?v=x7rz\\_mQGibM](https://www.youtube.com/watch?v=x7rz_mQGibM). The video consisted of the entirety of  
16 WBAL-TV's news story. Believing that the use of the video infringed the copyright to the news  
17 story and did not constitute fair use of the story, I submitted a DMCA notice to YouTube.

18 6. During February 2015, I became aware of a video on the Attorney Depot YouTube  
19 channel that was copied from KETV-TV, which is available at  
20 <https://www.youtube.com/watch?v=xh685180khQ>. The video consisted of the entirety of KETV-  
21 TV's news story. Believing that the use of the video infringed the copyright to the news story and  
22 did not constitute fair use of the story, I submitted a DMCA notice to YouTube.

23 7. During March 2015, I became aware of a video on the Attorney Depot YouTube  
24 channel that was copied from WDSU-TV, which is available at  
25 [https://www.youtube.com/watch?v=cXe\\_YkuykQ8](https://www.youtube.com/watch?v=cXe_YkuykQ8). The video consisted of the entirety of  
26 WDSU-TV's news story. Believing that the use of the video infringed the copyright to the news  
27 story and did not constitute fair use of the story, I submitted a DMCA notice to YouTube.  
28

1           8.       During May 2015, I became aware of a video on the Attorney Depot YouTube  
2 channel that was copied from WLWT-TV, which is available at  
3 <https://www.youtube.com/watch?v=itqY7rlbjhc>. The video consisted of the entirety of WLWT-  
4 TV's news story. Believing that the use of the video infringed the copyright to the news story and  
5 did not constitute fair use of the story, I submitted a DMCA notice to YouTube.

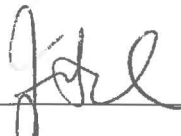
6           9.       I understand that Harry Williby filed DMCA counter-notices in response to each  
7 of the notices described above, after which the videos were restored to the Attorney Depot  
8 channel.

9           10.      After the WBAL-TV video was reinstated to the Attorney Depot channel, I posted  
10 comments to that video on the channel decrying the posting of the video and filing of counter-  
11 notices where I believed (and continue to believe) the use of the video (along with each of the  
12 other videos copied) constituted copyright infringement and was not fair use.

13          11.      HTV stations post their videos of news stories to their own YouTube accounts  
14 and websites and sell advertising around those videos. Nearly all of the HTV station videos  
15 posted on the Attorney Depot YouTube channel were posted on the station websites and/or  
16 YouTube channels.

17  
18           I declare, under penalty of perjury, that the foregoing is true and correct.

19           Executed in New York, NY on January 4, 2016.

20  
21  
22             
23           Ernesto Mourelo